IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NFL PROPERTIES LLC and PITTSBURGH STEELERS SPORTS, INC,
Plaintiffs,
v.

NICHOLAS WOHLFARTH and JENNIFER WOHLFARTH D/B/A TURTLE CREEK SPORTSWEAR,
Defendants

No. 05-0067

EXHIBIT THREE TO REPLY TO MOTION FOR SANCTIONS DATED JANUARY 3, 2011—ARTICLE DOCUMENTING THE DECISION OF THE NFL TO FOREGO ACTION WITH RESPECT TO "WHO DAT" AND THE SAINTS' *FLEUR DE LIS*

U.S. District Judge Terrence F. McVerry

Counsel for Plaintiffs:

Michael J. Manzo, Esquire
(Pa Supreme Court Id. #: 24636)
Brian H. Simmons, Esquire
(Pa Supreme Court Id. #: 84187)
KLETT ROONEY LIEBER & SCHORLING
One Oxford Centre, 40th floor
Pittsburgh, Pennsylvania 15219
Telephone: (412) 392-2000
Michael J. Manzo
e-mail: michael.manzo@bipc.com

Of Counsel:
Bruce P. Keller, Esquire
Jeremy Feigelson, Esquire
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 909-6000
e-mail: bpkeller@debevoise.com

Filed on Behalf of Defendant:

Counsel for Defendants:
W. J. Helzlsouer, Esquire
302 Euclid Avenue
Dravosburg, PA 15034-1208
Telephone: (412) 469-1992
Facsimile: (412) 469-2610
e-mail: wjhlaw@helzlsouer.com
URL: www.helzlsouer.com

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NFL, Louisiana attorney general settle 'Who Dat' misunderstanding

Associated Press
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BATON ROUGE, La. -- Louisiana's attorney general said Monday that shops can sell T-shirts with the phrase "Who the fleur-de-lis symbol if they don't make other references to the New Orleans Saints or the National Football Leagu

Attorney General Buddy Caldwell said he had a conference call with the NFL's general counsel to discuss cease-and-desist letters that some Louisiana T-shirt makers received from the league. The letters demanded that the businesses stop selling shirts fea phrase that's part of a popular cheer by Saints fans, citing trademark infringement.

"They've conceded and they've said they have no intention of claiming the fleur-de-lis, which would be ridiculous, or Dat,' which would be equally ridiculous," Caldwell said.

The NFL is only objecting to shirts that are marketed or presented as an official Saints or NFL product, Caldwell sai that are black and gold and say "Who Dat" can be sold, he said, if they don't purport to be Saints gear and don't inc team logo.

The chant -- "Who dat say dey gonna beat dem Saints" -- is often shortened to "Who Dat" on shirts and signs and h mainstay at the Superdome in New Orleans since the 1980s.

"People can use Who Dat all they want if it doesn't include NFL and Saints trademarks," NFL spokesman Brian McC in an e-mail. "We explained that we would contact merchants only if a Who Dat item also contained NFL or Saints tr or if it is falsely claimed that an unauthorized item is affiliated with the Saints or NFL."

The "Who Dat" spat has outraged many Louisiana residents and merchants, who argued the NFL couldn't claim own saying or symbol that predates the Saints, who will make their first Super Bowl appearance Sunday against the India Colts. Louisiana Gov. Bobby Jindal asked Caldwell to look into a possible lawsuit if the NFL was attempting to decla ownership rights of the phrase.

Lauren Thom, owner of the Fleurty Girl T-shirt shop in New Orleans, said she has changed the product description o Dat" shirts after receiving a letter from the NFL demanding that she quit selling them. She's sold out of her stock and managing back orders.

"Yes, it disrupted business, but it's been kind of great as well," Thom said. "We've had lines of people waiting to buy merchandise. One lady told me she wanted to buy anything in the store that was not NFL-licensed. I told her, 'That's in the store!'"

"What started out as a letter that scared the bejesus out of me has turned out to be the best thing ever for my busine said.

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